

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

ROSALIND DAVIS and HARRY DAVIS,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

V.

BANK OF AMERICA, N.A., and MCCABE,  
WEISBERG & CONWAY, P.C., TERRENCE  
J. MCCABE, MARC S. WEINBERG, and  
EDWARD D. CONWAY,

Defendants.

Civil Action No. 13-4396

**DEFENDANT BANK OF AMERICA, N.A.'S  
RESPONSE TO PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY**

On February 4, 2014, Plaintiffs filed yet another Notice of Supplemental Authority bringing to this Court's attention *Levy v. Senate of Pennsylvania*, 65 A.3d 361 (Pa. 2013) and *Knight v. Springfield Hyundai*, No. 3089 EDA 2012, 2013 WL 6224622 (Pa. Super. Dec. 2, 2013). Doc. 33. As with Plaintiffs' previous notices of supplemental authority, neither of these cases provide support for Plaintiffs' claims in this action.

First, *Levy* was decided by the Pennsylvania Supreme Court more than nine months ago – before Plaintiffs even filed their complaint – and can hardly be considered recent supplemental authority. Moreover, *Levy* deals with Pennsylvania’s Right-to-Know Law and the scope of the attorney-client privilege, and has nothing to do with the claims at issue here (purported violations of RICO, the FDCPA and the UTPCPL).

Second, *Knight* has no bearing on this case. Plaintiffs assert that *Knight* contains “a great discussion of the UTPCPL and economic loss doctrine.” Doc. 33 at 1. While Plaintiffs have asserted a UTPCPL claim, neither BANA nor any of the other defendants has asserted a defense

based on the economic loss doctrine. Accordingly, *Knight* bears no relevance to the issues before this Court.

Respectfully submitted,

/s/ Andrew J. Soven

Andrew J. Soven  
asoven@reedsmith.com  
Marc A. Goldich  
mgoldich@reedsmith.com  
REED SMITH LLP  
1650 Market Street  
2500 One Liberty Place  
Philadelphia, PA 19103  
(215) 851-8100

*Attorneys for Defendant  
Bank of America, N.A.*

Dated: February 6, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that on February 6, 2014, I electronically filed the foregoing Bank of America, N.A.'s Response to Plaintiffs' Notice of Supplemental Authority with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel or parties of record electronically by CM/ECF.

/s/ Andrew J. Soven

Andrew J. Soven

*Counsel for Defendant  
Bank of America, N.A.*